

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ERIC G. SMITH,

§

Appellant.

§

vs.

§

AET INC., LTD, et al.,

§

C.A. No. 07-124

Appellees.

§

ORDER

On April 11, 2007, the Court held a telephone conference in the above-styled action on Appellee AET, Inc.'s "Motion to Dismiss Appeal Based on Prematurity" (D.E. 2). At the hearing, Appellant Eric Smith indicated that he was appealing from the Bankruptcy Court with respect to his "Motion to Dismiss Chapter 7 Case," even though the Bankruptcy Court had not yet ruled on his motion. The Court advised Mr. Smith at the hearing that his case would be dismissed as premature. Subsequent to the hearing, however, but before the Court entered an order and judgment dismissing the case, the Bankruptcy Court entered an order denying Mr. Smith's motion. (See Bankruptcy Case No. 05-21079-C-7, D.E. 400.) Accordingly, the appeal is not premature and Appellee's "Motion to Dismiss Appeal Based on Prematurity" (D.E. 3) is DENIED.

SIGNED and ENTERED this 20th day of April, 2007.



Janis Graham Jack
United States District Judge